

Remarks

Applicant respectfully requests reconsideration. Claims 1-16 and 18-21 are pending in this application. Claims 5 and 18 have been amended to correct typographical errors. New claim 24 has been added. Support for new claim 24 can be found in originally filed claim 17. As a result, claims 1-3, 5, 9-16, 18-20, and 24 are pending for examination with claim 1 being an independent claim. No new matter has been added.

Amendment to the Specification

By this Amendment, the specification is amended to recite that this application is the national stage filing of International Application Number PCT/US00/26020, filed September 22, 2000, which claimed benefit of U.S. Provisional Application Nos. 60/156, 031, filed September 23, 1999, and 60/217,438, filed July 10, 2000. Under 37 CFR § 1.78(a)(2)(ii)(C), this priority claim is timely filed if the application is a "nonprovisional application which entered the national stage after compliance with 35 U.S.C. 371 from an international application filed under 35 U.S.C. 363 before November 29, 2000." Applicant has herewith filed a supplementary Application Data Sheet and requests an updated filing receipt.

Restriction Requirement

Applicant reserves the right to petition the decision of the Examiner regarding the Restriction Requirement. The Examiner has made the Restriction final and Applicant previously requested reconsideration.

Rejection under 35 U.S.C. §102

Claims 1-3, 5, 9-16 and 18-20 stand rejected under 35 U.S.C. §102(a) as being anticipated by WO 99/15629.

According to the Examiner, "WO '629 teaches a method for in vitro culture of hematopoietic progenitor cells to produce differentiated cells of non-hematopoietic lineage ... (and) ... that hematopoietic progenitor cells are cultures (sic) in the presence of various growth factor (sic) that promote differentiation such as bFGF". The Examiner acknowledges that "WO '629 ... does not explicitly disclosed (sic) that under recited conditions hematopoietic progenitor cells would produce neuronal cells (but that since) the recited conditions, i.e., culturing

hematopoietic progenitor cells in the environment comprising bFGF is the same condition as claimed ... WO '629 would inherently result in producing neuronal cells”.

Applicant respectfully disagrees. The claimed invention is a method for *in vitro* culture of hematopoietic progenitor cells to produce differentiated cells of non-hematopoietic lineage. WO 99/15629 teaches methods for long term culture of hematopoietic progenitor cells using a three dimensional porous biomaterial and implantation of a pre-seeded biomaterial *in vivo*. The reference teaches that when “matrices are used for the *in vivo* maintenance, expansion and/or differentiation of hematopoietic progenitor cells (i.e., when the matrices with the cells are implanted into a subject ...), biological agents that promote angiogenesis may also be used for coating of the matrices.” Such angiogenic factors include bFGF. (See page 12.) Accordingly, the reference teaches the use of bFGF for *in vivo* use of the three dimensional matrix. The reference does not teach the use of bFGF for *in vitro* cultures of hematopoietic progenitor cells, either explicitly or inherently. Therefore, the current invention is not anticipated by WO 99/15629 under 35 U.S.C. §102(a).

Accordingly, withdrawal of this rejection is respectfully requested.

Conclusion

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,



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Docket No.: C1005.70008US00
Date: April 25, 2005
x04/25/05